

Wednesday, April 14, 1976

The Senate was called to order by Senator P. Thomas at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senator Spicola—

SB 648—A bill to be entitled An act relating to judicial circuits; amending s. 26.031(1)(m), Florida Statutes, providing three additional circuit judges to the Thirteenth Judicial Circuit; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil, Ways and Means Subcommittee C and Ways and Means.

By Senator Spicola—

SB 649—A bill to be entitled An act relating to county court judges; amending s. 34.022(29), Florida Statutes, providing two additional judges for Hillsborough County; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil, Ways and Means Subcommittee C and Ways and Means.

By Senator Winn—

SB 650—A bill to be entitled An act relating to the mechanics' lien law; adding s. 713.02(9), Florida Statutes; providing that a person furnishing janitorial, cleaning, or maintenance services or supplies shall have a lien for the value of said services or supplies; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Civil.

By Senator Spicola (by request)—

SB 651—A bill to be entitled An act relating to regulation of stone crabs; amending s. 370.13(2)(b), (d), (e), (g), Florida Statutes; providing that certain acts with a trap or with a part thereof shall be unlawful; providing for seizure and destruction of illegal traps or devices by officers of the Department of Natural Resources; authorizing the use of time release buoys and attachment to trap trot lines; requiring the attachment of a number to a trap; authorizing inspection of permit and crab claws; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Wilson—

SB 652—A bill to be entitled An act relating to coroner's juries; amending s. 936.04, Florida Statutes, to allow women to serve on coroner's juries; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Wilson—

SB 653—A bill to be entitled An act relating to occupational license taxes; amending subsections 205.171(1), (3), (4) and (6), Florida Statutes, relating to the exemption from such taxes for disabled veterans and their unremarried widows, to provide that the exemption shall be applicable to both men and women and the surviving spouse of either; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Wilson—

SB 654—A bill to be entitled An act relating to property taxation; amending ss. 196.081 and 196.091, Florida Statutes, relat-

ing to the exemption of the homestead of certain disabled veterans and disabled veterans confined to wheelchairs, to provide that the exemption shall be available to both ex-servicemen and ex-servicewomen and the surviving spouse of either; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Henderson—

SB 655—A bill to be entitled An act relating to the naming of state roads and monuments; authorizing and directing the Division of Forestry of the Department of Agriculture and Consumer Affairs to name a certain fire tower in Charlotte County as Babcock Tower; authorizing and directing the Department of Transportation to name a certain intersection in Charlotte County as Babcock; directing the preparation and location of appropriate signs and markers; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Transportation.

By Senator Saunders—

SB 656—A bill to be entitled An act relating to bond financing by local governments; creating s. 159.20, Florida Statutes; requiring approval by county or municipal governing body of revenue bonds authorized by an appointive local governmental body; prohibiting such bonds from being secured by, or payable from, tax sources without approval by the electors; requiring notice of such prohibition on bonds not approved by the electors; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil, Governmental Operations and Ways and Means.

By Senator Saunders—

SB 657—A bill to be entitled An act for the relief of Tam Cato; providing an appropriation to compensate him for a permanent disability as a result of an accident during his employment with the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Ways and Means.

By Senator Spicola (by request)—

SB 658—A bill to be entitled An act relating to saltwater fisheries and conservation; amending s. 370.135(1), (2), Florida Statutes; changing the requirement for the placement of the opening in a blue crab trap; making a blue crab permit and crabs subject to inspection; authorizing use of a time release buoy and attachment of buoys to a trot line; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Spicola—

SB 659—A bill to be entitled An act relating to the Florida Electrical Power Plant Siting Act; amending ss. 403.501, 403.503, Florida Statutes; providing definitions; amending s. 403.504, Florida Statutes; prescribing powers and duties of the Department of Environmental Regulation; increasing the maximum application fee and imposing a minimum application fee; providing for refund to the applicant of any sum remaining after issuance or denial of a certificate; providing for itemized accounting; transferring s. 403.505, Florida Statutes, to s. 23.0191, Florida Statutes, and amending said section; providing for study and review of 10-year site plans; amending s. 403.506(2), Florida Statutes; providing that certain changes in the generating capacity of a power plant shall not require certification; creating s. 403.5065, Florida Statutes; providing for a determination of completeness of an application for certification; amending s. 403.507, Florida Statutes; providing for

reports and studies; amending s. 403.508, Florida Statutes; providing hearing procedure; amending s. 403.509, Florida Statutes; providing for final disposition of an application by the board; creating s. 403.5095, Florida Statutes; providing for altering time limits; amending s. 403.510(3), Florida Statutes; authorizing the board to adopt rules; amending s. 403.511, Florida Statutes; providing for the effect of certification; amending s. 403.512(2), Florida Statutes; specifying grounds for revocation or suspension of certification; amending s. 403.513, Florida Statutes; providing for judicial review; amending s. 403.514, Florida Statutes; providing for violations of act; creating s. 403.516, Florida Statutes; providing for amendment or modification of certification after issuance; providing an effective date.

—was read the first time by title and referred to the Committees on Natural Resources and Conservation, Commerce and Ways and Means.

By Senator McClain—

SB 660—A bill to be entitled An act relating to the Historic Tampa-Hillsborough County Preservation Board of Trustees; providing an appropriation to pay the salaries and other expenses of the board; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator McClain—

SB 661—A bill to be entitled An act relating to drivers' licenses; amending s. 322.14, Florida Statutes; prescribing that each operator's or chauffeur's license bear thereon the social security number of the licensee; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation, Governmental Operations and Ways and Means.

By Senator MacKay—

SB 662—A bill to be entitled An act relating to the Florida Statutes; amending s. 11.242(6), Florida Statutes; requiring the looseleaf system of binding of the Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator MacKay—

SB 663—A bill to be entitled An act relating to municipal recall; amending s. 100.361(1), (4), (6), (8), and (10), Florida Statutes; providing procedures for the recall of any elected official of a municipality or a chartered county rather than only members of the governing body; providing that if a municipal charter requires a lower number or percentage of signatures for certain recall procedures than that required by general law, the charter provisions shall control; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Judiciary-Civil.

By Senator MacKay—

SB 664—A bill to be entitled An act relating to collective bargaining by employees in Florida institutions of higher education; adding subsection (17) to s. 447.203, Florida Statutes; defining "student representative"; amending s. 447.301, Florida Statutes; providing for participation in certain negotiations by student representatives from state universities and state community colleges without the right to vote on or veto actions; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Commerce.

By Senator MacKay—

SB 665—A bill to be entitled An act relating to municipal recall; amending s. 100.361(1), (4), (6), (8), and (10), Florida Statutes, providing procedures for the recall of any elected

official of a municipality or a chartered county rather than only members of the governing body; providing that if a municipal charter requires a lower number or percentage of signatures for certain recall procedures than that required by general law, the charter provisions shall control; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Judiciary-Civil.

By Senator P. Thomas—

SB 666—A bill to be entitled An act relating to the regulation of persons dealing in cigarettes; adding s. 210.15(8), Florida Statutes; providing a criminal penalty for any person, firm, or corporation who, without a permit, deals in cigarettes as a wholesale dealer, distributing agent, or exporter; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Senator Henderson—

SB 667—A bill to be entitled An act relating to assessments; adding subsection (4) to s. 193.023, Florida Statutes, requiring the property appraiser to assess, at fair market value, property serving unit owners of a condominium or cooperative subject to a lease; precluding the consideration of income derived from the lease; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Commerce and Ways and Means.

By Senator Tobiassen—

SB 668—A bill to be entitled An act relating to the state capitol; providing legislative intent; prohibiting any state agency from taking any action vis-a-vis the destruction of the present state capitol building without the express authorization of the Legislature; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Tobiassen—

SB 669—A bill to be entitled An act relating to retired members of state-supported retirement systems; amending s. 112.362(1)(b), Florida Statutes; changing the number of years of creditable service required for and the formula for determining the amount of, recomputed monthly retirement benefits for certain members of such systems who retired under plans which do not provide social security coverage; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator MacKay—

SB 670—A bill to be entitled An act relating to education; amending s. 231.16, Florida Statutes; providing for types of teachers certificates to be issued; amending s. 231.17(1), Florida Statutes; deleting certain requirements for certification; amending s. 231.24, Florida Statutes; providing that all regular certificates be extendible; amending ss. 233.068(3) and 233.0681(1), Florida Statutes; providing that certain instructors and occupational specialists shall receive a salary equal to that of any other instructional personnel who has equivalent qualifications and who provides similar services; repealing s. 231.20, Florida Statutes, relating to graduate certificates; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator MacKay—

SB 671—A bill to be entitled An act relating to the State University System; creating parts I, II, III, and IV of chapter 239, Florida Statutes, consisting of ss. 239.01-239.036, 239.115-239.138, 239.215-239.264, and 239.315-239.341, respectively; transferring all sections of chapters 239, 240, and 241, Florida

Statutes, not repealed by this act, to the appropriate part of chapter 239, Florida Statutes; amending ss. 239.01, 239.53, 239.54, 239.56(1)-(4) and (6), 240.011, 240.181(3), 240.191(3), and 241.621(8) and (12), Florida Statutes, and s. 240.042(1) and (2)(a), (g), (j), and (n), Florida Statutes, 1975; deleting duplications in statutory language; clarifying and correcting statutory language to conform to existing provisions of law; repealing s. 239.011, Florida Statutes, relating to establishment of a university in east central Florida; repealing s. 239.012, Florida Statutes, relating to establishment of a 4-year college in Dade County; repealing s. 239.013, Florida Statutes, relating to establishment of a state university or branch in Duval County; repealing s. 239.04, Florida Statutes, relating to deposits of federal funds and vouchers therefor; repealing s. 239.05, Florida Statutes, relating to duties of the State Treasurer; repealing s. 239.07, Florida Statutes, relating to endowment funds; repealing s. 239.08, Florida Statutes, relating to annual appropriation to supplement endowment fund income; repealing s. 239.55, Florida Statutes, as amended, relating to violations and penalties for violations of traffic rules or ordinances; repealing s. 239.57, Florida Statutes, relating to costs, fines, and penalties; repealing s. 240.021, Florida Statutes, relating to the chairman of the Board of Regents and expenses of members; repealing s. 240.031(1) and (2), Florida Statutes, relating to responsibilities of the State Board of Education for higher education; repealing s. 240.044, Florida Statutes, relating to the establishment of a continuing education center in Dade County; repealing s. 240.211, Florida Statutes, relating to applicability of laws applicable to Board of Control; repealing s. 241.08, Florida Statutes, relating to establishment of a college of forestry at the University of Florida; repealing s. 241.091, Florida Statutes, relating to establishment of a department of real estate at the University of Florida; repealing s. 241.096, Florida Statutes, relating to establishment of a school of dentistry at the University of Florida; repealing s. 241.121, Florida Statutes, relating to the Florida State Museum; repealing s. 241.24, Florida Statutes, relating to establishment of a branch citrus experiment station near Winter Haven; repealing s. 241.26, Florida Statutes, relating to establishment of a branch tobacco experiment station near Quincy; repealing s. 241.28, Florida Statutes, relating to establishment of an Everglades agricultural experiment station; repealing s. 241.36, Florida Statutes, relating to a branch livestock experiment station in Hardee County; repealing s. 241.361, Florida Statutes, relating to establishment of a light horse unit for horse research under the University of Florida; repealing s. 241.42, Florida Statutes, relating to the Florida national egg laying contest; repealing s. 241.45, Florida Statutes, relating to establishment of a branch experiment station in Northwest Florida; repealing s. 241.475, Florida Statutes, relating to authorization for a law school at Florida State University; repealing s. 241.476, Florida Statutes, relating to authorization for a medical school at the University of South Florida; repealing s. 241.48, Florida Statutes, relating to establishment of a branch agricultural experiment station near Sanford; repealing s. 241.49, Florida Statutes, relating to establishment of a branch agricultural experiment station near Live Oak; repealing s. 241.491, Florida Statutes, relating to establishment of a branch agricultural experiment station near Fort Pierce; repealing s. 241.60, Florida Statutes, relating to establishment of a tobacco insect research laboratory at Quincy; repealing s. 241.69, Florida Statutes, relating to establishment of a branch agricultural experiment station in Orange County; repealing s. 241.71, Florida Statutes, relating to authorization for a dormitory at Florida State University for students on athletic scholarships; repealing s. 241.72, Florida Statutes, relating to transfer of funds in the Milk Commission account; providing for renumbering of cross references; providing that repeals shall be construed as removal of obsolete or superfluous language and shall not be construed to discontinue or disestablish existing institutions or functions; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Governmental Operations.

By Senator Wilson (by request)—

SB 672—A bill to be entitled An act relating to public accountancy; revising chapter 473, Florida Statutes; providing for a State Board of Accountancy; providing for advisory committees; providing for issuance, renewal, suspension, revocation, and reinstatement of certificates, permits to practice, and special permits; providing for registration of certified public accountants, partnerships, and professional service corporations; providing for the use of titles, abbreviations

and names; providing for fees; prohibiting certain acts; providing penalties; repealing ss. 473.021, 473.121, 473.151, 473.161, and 473.241, Florida Statutes; relating to practicing without a certificate or permit; lists of public accountants; use of titles, names, and designations; office management; and Florida practitioners acting as agents for out-of-state practitioners; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce, Governmental Operations and Ways and Means.

By Senators Zinkil, Winn, D. Lane, J. Thomas, Stolzenburg and Graham—

SB 673—A bill to be entitled An act renaming the Broward Beach State Recreation Area as the John U. Lloyd State Recreation Area; directing the Department of Natural Resources to supply suitable markers; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators Graham and MacKay—

SB 674—A bill to be entitled An act relating to student financial aid programs; amending s. 239.67(8), Florida Statutes; providing for the collection of a nonrebatable service charge on short-term student loans; amending s. 239.671, Florida Statutes; providing for adjustment in registration or tuition fees at state universities and community colleges to fund scholarship loan program; amending s. 239.705, Florida Statutes; authorizing the issuance of additional revenue bonds to finance the establishment of the Student Loan Trust Fund; amending s. 239.72, Florida Statutes; providing for the purchase of certain federally insured student loans; amending s. 239.80(4), Florida Statutes; providing for the charging off of certain delinquent student loan accounts; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Plante—

SB 675—A bill to be entitled An act relating to state agencies; providing for the establishment of a central state mail service to pick up and deliver all mail, within the Tallahassee area, between state agencies and between units of the same state agency located in separate buildings; providing for the allocation and recovery of cost as a charge against each agency using the service; requiring use of the service to the exclusion of any other service; providing an exception; creating the Central State Mail Service Trust Fund; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Trask—

SB 676—A bill to be entitled An act relating to juveniles; amending ss. 39.02(5)(b), 39.09(2)(a), Florida Statutes; requiring the State Attorney to notify the court if a child is charged with a violation of law which would be a felony and the child has previously committed such a violation of law; requiring the court to transfer such a child for trial as an adult; amending s. 39.03(6)(a),(b), Florida Statutes; providing for the use of fingerprints and photographs of a child transferred for trial as an adult; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators McClain and Brantley—

SB 677—A bill to be entitled An act relating to labor; adding s. 447.203(17), (18), Florida Statutes, relating to collective bargaining by public employees; providing definitions for "law enforcement officer" and "firefighter"; amending s. 447.307(4)(e), Florida Statutes, relating to collective bargaining by public employees; providing additional unit determination criteria with respect to law enforcement officers and firefighters; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Commerce and Ways and Means.

By Senator Hair—

SB 678—A bill to be entitled An act relating to dentistry and dental hygiene; amending s. 466.13, Florida Statutes; lowering the age requirement to apply for a license as a dentist; authorizing a fee to cover the costs of administering the exhibition of competency in manual skills; amending s. 466.19(2), Florida Statutes; increasing fees for duplicate certificates; amending ss. 466.20, 466.39, Florida Statutes; imposing application fees for dentists and dental hygienists; increasing the fee for annual renewal of certificates for dental hygienists; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Gallen—

SB 679—A bill to be entitled An act relating to lands available for taxes; amending s. 197.241(5), Florida Statutes; providing for the escheat of such lands to the county after 7 years; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Vogt—

SB 680—A bill to be entitled An act relating to municipal finance and taxation; amending s. 166.231(1)(a), Florida Statutes; removing authority of municipalities to levy a tax on the purchase of cable television service; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Commerce and Ways and Means.

By Senator Lewis—

SB 681—A bill to be entitled An act relating to the display of grocery store prices; providing definitions; providing method in which grocery stores must display the prices of items offered and displayed for sale; providing penalty; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Judiciary-Criminal.

By Senator Dunn—

SB 682—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.021(18), Florida Statutes; revising the definition of past service; amending s. 121.081(1), Florida Statutes; removing a restriction on claiming past service as creditable service; providing for the purchase of past service by members who were former officers or employees of a city or special district, notwithstanding the status and form of the retirement system, if any, of the city or special district; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Vogt—

SB 683—A bill to be entitled An act relating to taxation; amending ss. 125.01(1)(r), 200.071(3), Florida Statutes; limiting the levy of ad valorem taxes within certain special districts and municipal service taxing units to property receiving municipal services or benefits; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Vogt—

SB 684—A bill to be entitled An act relating to approval of plats by governing bodies; amending ss. 177.071, 177.111, Florida Statutes; providing a clarification as to which governing body shall have jurisdiction to approve plats; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Vogt—

SB 685—A bill to be entitled An act relating to the regulation of subdivisions; adding subsection (3) to s. 163.270, Florida Statutes, prohibiting the appropriate governing body in any area from adopting rules governing the regulation of subdivisions which contain school sites unless such sites meet certain requirements; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Education.

By Senator Saylor—

SB 686—A bill to be entitled An act relating to county expenditures; creating s. 129.11, Florida Statutes; requiring monthly publication of certain expenditures; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Glisson—

SB 687—A bill to be entitled An act relating to the Armory Board of the State; requiring the board to make certain annual payments to Clay County in lieu of the payment of certain property taxes; limiting the purposes for which such funds may be expended; providing clarification of the legislative intent; providing for the first such annual payment; providing certain limitations; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Glisson—

SB 688—A bill to be entitled An act relating to the career service system; adding a paragraph to s. 110.051(2), Florida Statutes, providing that personnel employed by the Florida School for the Deaf and the Blind are exempt from the system; providing that salaries for such personnel shall be set by the board of trustees of the school subject to certain approval; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations, Education and Ways and Means.

By Senator Glisson—

SB 689—A bill to be entitled An act relating to motor vehicle license taxes; amending s. 320.10(1)(e), Florida Statutes; exempting certain motor vehicles owned and operated by a citizens organization on aging from the imposition of license taxes; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senator Glisson—

SB 690—A bill to be entitled An act relating to the district school system; amending s. 230.061(1), Florida Statutes, requiring district school board member residence areas to be based on population rather than on the number of qualified electors; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Governmental Operations.

By Senator Glisson—

SB 691—A bill to be entitled An act relating to the "Physical Therapy Practice Act"; amending s. 486.102(3), Florida Statutes, to allow the State Board of Medical Examiners to license persons supplying evidence of training or experience equivalent to an approved 2-year course of study as physical therapist assistants; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Commerce.

By Senator Vogt—

SB 692—A bill to be entitled An act relating to the Board of Tax Adjustment; amending s. 196.194(2), Florida Statutes; providing that public notice of the board shall not include those exemptions granted or denied wholly or partially, pursuant to s. 196.031, s. 196.081, s. 196.091, s. 196.101, or s. 196.202, Florida Statutes, but that a list of such exemptions shall be maintained by the property appraiser and made available to the public; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senators Gordon and Winn—

SB 693—A bill to be entitled An act relating to agriculture; creating the "Florida Agricultural Labor Relations Commission"; creating part III of chapter 447, Florida Statutes; providing a statement of policy and a declaration of legislative intent; providing definitions; establishing an Agricultural Labor Relations Commission within the Department of Commerce; providing membership, terms, powers, and duties thereof; providing for a general counsel of the commission; providing duties and responsibilities of the general counsel; authorizing the establishment of necessary field offices; providing for the rights of agricultural employees; providing agricultural employees the right to engage in collective bargaining; prohibiting unfair labor practices; prohibiting labor organizations from engaging in certain practices; establishing the manner in which agricultural employees shall elect a labor organization for the purpose of collective bargaining; providing the manner in which the commission shall conduct such elections; providing the manner in which objections to such elections may be made; empowering the commission to prevent unfair labor practices; providing the manner in which unfair labor practice complaints may be made; providing for the review by the commission of unfair labor practice charges; providing limitations; providing for other matters relative to the foregoing; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce, Agriculture and Ways and Means.

By Senator Myers—

SB 694—A bill to be entitled An act relating to political activities of public employees; amending s. 104.31(1), (3), Florida Statutes; providing that no special act shall prohibit certain political acts by public employees; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senators MacKay, Peterson, Renick, Trask, J. Lane, Stolzenburg and Sims—

SB 695—A bill to be entitled An act creating the "Florida Psychological and Allied Services Practice Act"; providing definitions and application of the act; creating the Florida Psychological and Allied Practices Board within the Division of Professions of the Department of Professional and Occupational Regulation to replace the present Florida State Board of Examiners of Psychology on January 1, 1977; providing for composition, terms, officers, and meetings of the newly created board and for expenses of the members; requiring persons to obtain a license to practice psychology, marriage and family counseling, or clinical social work; providing for a fee; providing procedures and requirements for licensure; providing prerequisite qualifications; requiring display of licenses in offices or places of business; authorizing the board to waive certain licensure requirements for certain applicants; providing exemptions from licensure requirements for certain persons; permitting certain persons to use the term "social psychologist"; excluding certain persons from the exemptions from the licensure requirements; providing that licensed psychologists on the effective date of this act shall be deemed licensed under this act; providing qualifications for present psychologists, marriage and family counselors, and clinical social workers; providing for the renewal of licenses; providing procedures for the refusal to grant or renew a license and for the revocation or suspension of a license; providing for reinstatement of licenses; providing for injunctive relief; providing for cease and desist orders; providing for the disposition

of fees; providing penalties; providing a patient-psychologist privilege; providing for privileged communication between a marriage and family counselor or a clinical social worker and the person counseled; removing the patient-psychologist privilege and the privilege between the clinical social worker and the person counseled in certain circumstances; providing that this act does not permit a licensee to practice medicine; amending ss. 20.30(9)(0) and 215.37(1), Florida Statutes, to conform to the provisions of the act; repealing chapter 490, Florida Statutes, as amended, which provides for the regulation and licensure of psychologists; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services, Commerce and Ways and Means.

By Senator J. Thomas—

SB 696—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 559.31(1), Florida Statutes; defining the scope of the act; amending s. 559.32(3), Florida Statutes; defining a cemetery; amending s. 559.33(1), (3)(a), (d), Florida Statutes; requiring legal entities operating a cemetery to be licensed; amending s. 559.37(1), (6)(a), Florida Statutes; providing for the regulation of cemeteries; amending s. 559.39(2), Florida Statutes; adding standards for licensing based on population and need; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators Trask, Scarborough, Brantley, Glisson and Plante—

SB 697—A bill to be entitled An act relating to the Health Maintenance Organization Act; amending s. 641.19(4), Florida Statutes; providing that chiropractic services be included in the definition of "comprehensive health-care services"; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Commerce.

By Senators Trask, Scarborough, Brantley, Glisson and Plante—

SB 698—A bill to be entitled An act relating to insurance contracts; adding s. 627.419(5), Florida Statutes; providing that any accident and sickness policy which provides for payment for services within the scope of services a chiropractor is licensed to perform shall be construed to include payment to a chiropractor who performs such services; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Spicola—

SB 699—A bill to be entitled An act for the relief of Millard E. Futch, James B. McPherson, and Ruben Espinola; providing an appropriation to compensate them for attorney's fees incurred during the appeal of their dismissal by the Division of Beverage of the Department of Business Regulation; providing an effective date.

—was read the first time by title and referred to the Special Master and the Committee on Ways and Means.

By Senator Spicola (by request)—

SB 700—A bill to be entitled An act relating to shellfish; amending s. 370.16(11), Florida Statutes, relating to the prohibition against gathering oysters from natural reefs and private bedding grounds between sunset and sunrise, to include clams in the prohibition against such gathering; deleting the exception of gathering from a conspicuously lighted vessel; providing penalties; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator McClain—

SB 701—A bill to be entitled An act relating to negligence; creating s. 768.32, Florida Statutes; providing that contribu-

tory negligence shall not bar recovery in an action for injury to person or property or for wrongful death unless the contributory negligence was as great as or greater than the negligence of all other negligent persons contributing to the injury or death; providing that damages allowed be diminished in proportion to the claimant's negligence; abolishing joint and several liability among multiple tortfeasors with certain exceptions; providing that in cases involving multiple tortfeasors, damages be apportioned among them based upon proportionate degrees of negligence; providing for cases involving vicarious liability or derivative claims; providing for the application of a release or covenant not to sue; abolishing any right to contribution among tortfeasors with certain exceptions; providing for joinder of any or all tortfeasors; providing severability; repealing s. 768.31, Florida Statutes, the Uniform Contribution Among Tortfeasors Act; providing a saving clause; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Myers—

SB 702—A bill to be entitled An act relating to boards of tax adjustments; amending s. 194.032(3), (4), Florida Statutes; providing for informal hearings; providing that the board may act upon a special master's recommendation without further hearing; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Judiciary-Civil.

By Senator Spicola—

SB 703—A bill to be entitled An act relating to murder; amending s. 782.04(1)(a), Florida Statutes; providing that death as a result of unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium is first degree murder; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Renick—

SB 704—A bill to be entitled An act relating to regulation of crawfish; amending s. 370.14(2)-(4), Florida Statutes; providing size limits for taking crawfish; providing for issuance of a permit and license by the Division of Law Enforcement of the Department of Natural Resources; increases license fee; regulates the type and use of traps, buoys, and trotlines; providing for notice of sale of licensed crawfish traps and notice of change of address; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senator Myers—

SB 705—A bill to be entitled An act relating to boards of tax adjustment; amending s. 194.015, Florida Statutes; providing that each quorum of a meeting of the board of tax adjustment must include at least one member from the county governing body and at least one member from the school board; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Vogt—

SB 706—A bill to be entitled An act relating to budgets of county sheriffs; amending s. 30.49(1), (4), (5), (9), Florida Statutes; providing a new date for the submission of the sheriff's annual budget, for the review by the county commission or budget commission, for an appeal by the sheriff after modification of his budget by the county commission, and for a decision by the Administration Commission on the sheriff's appeal; providing that the budget becomes final on September 1; providing an effective date.

—was read the first time by title and referred to the Committees on Governmental Operations and Ways and Means.

By Senator Glisson—

SB 707—A bill to be entitled An act relating to public health; amending s. 381.272(2) and (3), Florida Statutes, exempting certain undeveloped private property from certain requirements of chapter 10D-6, Florida Administrative Code; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Commerce.

By Senator Glisson—

SB 708—A bill to be entitled An act relating to public employment; amending s. 447.203(2), Florida Statutes, providing that the Board of Trustees of the Florida School for the Deaf and the Blind is deemed the public employer for the employees of the school for purposes of collective bargaining; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Commerce.

By Senator Glisson—

SB 709—A bill to be entitled An act relating to racing; adding subsection (13) to s. 550.37, Florida Statutes, authorizing certain holders of ratified permits to conduct harness racing to apply for and receive a license to conduct dograce meetings in lieu of harness racing at such harness tracks under certain circumstances; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Ways and Means.

By Senator Vogt—

SB 710—A bill to be entitled An act relating to the education of exceptional students; amending s. 233.056, Florida Statutes, providing specialized educational materials and other available services to exceptional students; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committees on Education and Ways and Means.

By Senator Plante—

SB 711—A bill to be entitled An act relating to industrial savings banks; amending s. 656.071(1), Florida Statutes; providing for the establishment of branch banks, the relocation of a parent or branch bank, and the merger of banks; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Vogt—

SB 712—A bill to be entitled An act relating to education; amending s. 233.49, Florida Statutes, authorizing the Department of Education to purchase and distribute for use previously adopted textbooks prepared for the use of children with certain learning disabilities; providing an effective date.

—was read the first time by title and referred to the Committee on Education.

By Senator McClain—

SB 713—A bill to be entitled An act relating to prostitution; amending s. 796.02, Florida Statutes; conforming to new sections; creating ss. 796.011, 796.11-796.13, Florida Statutes; prohibiting prostitution, maintenance of a place of prostitution, advancement of prostitution, or profiting from prostitution; providing penalties; repealing ss. 796.01, 796.03-796.07, Florida Statutes, relating to prostitution, keeping or renting a place for prostitution, living on earnings derived from prostitution, forcing another to become a prostitute, and procuring a female under the age of 16 years for prostitution; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senator Peterson—

SM 714—A memorial to the Congress of the United States urging the Congress to enact legislation to enable the United States Department of Agriculture to initiate programs to eradicate bovine brucellosis.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Peterson—

SB 757—A bill to be entitled An act relating to the citrus blackfly pest; providing an appropriation to the Department of Agriculture and Consumer Services, Division of Plant Industry, for the control and eradication of the citrus blackfly; providing an effective date.

—was read the first time by title and referred to the Committees on Agriculture and Ways and Means.

The Senate recessed at 8:40 a.m.

The Senate was called to order by the President at 2:00 p.m.
A quorum present—40:

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Graham | Myers | Stolzenburg |
| Brantley | Hair | Peterson | Thomas, J. |
| Childers, D. | Henderson | Plante | Thomas, P. |
| Childers, W. D. | Holloway | Poston | Tobiassen |
| Deeb | Johnston | Renick | Trask |
| Dunn | Lane, D. | Saunders | Vogt |
| Firestone | Lane, J. | Sayler | Ware |
| Gallen | Lewis | Scarborough | Wilson |
| Glisson | MacKay | Sims | Winn |
| Gordon | McClain | Spicola | Zinkil |

Prayer by the Senate Chaplain:

Almighty God, we humans reach out beyond ourselves curiously probing the world around and beyond. We thank you for this spirit of adventure and research but we recognize that there are longings of the human heart not yet fulfilled.

Technologically we appear as a miracle-working generation yet, our God, we fail in the most desirable accomplishment which is to live peaceably with ourselves and each other in a shrinking world.

God, help us, for our technical brilliance belies our abilities. We confess our machines often do better than we ourselves. They are more honest and by obeying their makers accomplish great things.

We would recommit ourselves to you, our maker, for unlike machines, we are in the likeness of your spirit. May the unity of our spirits with yours grant us peace within our own conscience and with others.

So then, our God, walking the earth in unity with each other and yourself, we shall really be great.

For our sake and yours we pray. Amen.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order Calendar for Wednesday, April 14, 1976, at 2:00 p.m.:

General Chappie James Resolution
Allen Morris Resolution

| | | | |
|--------|--------|--------|--------|
| SB 7 | SB 136 | SB 357 | SB 104 |
| SB 39 | SB 146 | SB 358 | SB 56 |
| SB 184 | SB 175 | SB 359 | |
| SB 111 | SB 257 | SB 360 | |

Respectfully submitted,
Lew Brantley, Chairman

The Committee on Governmental Operations recommends the following pass: SB 231 with 2 amendments

The Committee on Judiciary-Civil recommends the following pass: SB 551 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 518

The bills contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Agriculture recommends the following pass: SB 552, SB 400

The Committee on Natural Resources and Conservation recommends the following pass: SB 463 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Commerce recommends the following pass: SB 431 with 1 amendment

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Commerce recommends the following pass: SB 470

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Agriculture recommends the following pass: SB 406

The bill was referred to the Committee on Natural Resources and Conservation under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 199 with 5 amendments

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Judiciary-Criminal recommends the following pass: SB 198

The bill was referred to the Committee on Health and Rehabilitative Services under the original reference.

The Committee on Agriculture recommends the following pass: SB 319

The Committee on Education recommends the following pass:
SB 467 SB 333 SB 477 with 1 amendment

The Committee on Governmental Operations recommends the following pass:

SB 126 with 1 amendment SB 241 with 1 amendment
SB 182 with 2 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 326 with 1 amendment

The Committee on Transportation recommends the following pass: SB 365

The Committee on Natural Resources and Conservation recommends the following pass:

SB 423 SB 424 SB 549

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Commerce recommends the following pass: SB 84

The Committee on Governmental Operations recommends the following pass: SB 34 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Ways and Means Subcommittee A under the original reference.

The Committee on Judiciary-Civil recommends the following pass: SB 535 with 1 amendment

The bill was referred to the Committee on Ways and Means, Subcommittee C under the original reference.

The Committee on Agriculture recommends the following pass: SB 502

The Committee on Education recommends the following pass: SB 409 with 1 amendment

The Committee on Governmental Operations recommends the following pass:

SB 122 with 4 amendments SB 191
SB 164 with 1 amendment SB 258

The Committee on Health and Rehabilitative Services recommends the following pass: SB 311

The Committee on Judiciary-Civil recommends the following pass:

SB 121 with 1 amendment SB 515 with 1 amendment
SB 428 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: SB 158 with 2 amendments

The Committee on Transportation recommends the following pass: SB 323, SB 514

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: Senate Bills 97, 102 and 208

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 239

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 83 and SB 316

The Committee on Natural Resources and Conservation recommends a Committee Substitute for the following: SB 237

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 53

The bill with Committee Substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Judiciary-Civil recommends a Committee Substitute for the following: SB 417

The bill with Committee Substitute attached was placed on the calendar.

The Committee on Commerce recommends the following not pass: SB 58

The Committee on Education recommends the following not pass: SB 450, SB 14

The Committee on Health and Rehabilitative Services recommends the following not pass: SB 503

The Committee on Judiciary-Civil recommends the following not pass: SB 484

The bills contained in the foregoing reports were laid on the table.

SUBCOMMITTEE REPORT TO STANDING COMMITTEE

The Select Subcommittee on SB 35 and SB 37 of the Governmental Operations Committee recommends favorably with committee substitute: CS for SB 35 and 37.

On motion by Senator Brantley the rules were waived and the Senate proceeded to consideration of—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 2605 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tucker and others—

HCR 2605—A concurrent resolution commending General Daniel ("Chappie") James, Jr.

WHEREAS, as a young boy, growing up in Florida, General Daniel ("Chappie") James, Jr., dreamed of being a pilot, and

WHEREAS, as a native of the Sunshine State, born in Pensacola, he graduated from Washington High School, and later, in 1942, from Tuskegee Institute, where he learned to fly in the Civilian Pilot Training Program and served as a civilian instructor for the Army Air Corps Aviation Cadet Program, and

WHEREAS, in the intervening years General James has distinguished himself as a fighter pilot in World War II, in the Korean War, where he flew 101 combat missions, and in Vietnam, where he flew 78 combat missions, one of which destroyed seven Communist planes, the highest of any single mission there, and

WHEREAS, in 1975 General James was nominated by President Ford to receive his fourth star, approved by the Senate, and is now Commander-in-Chief of the North American Air Defense Command (NORAD) and Commander-in-Chief, United States Air Force Aerospace Defense Command, and

WHEREAS, General James is one of thirty-six four-star generals in the United States, and

WHEREAS, General James has received several American and patriotism, editorial and speaking awards, and some of his excerpts have been read into the Congressional Record, and his many national honors include the George Washington Freedom Foundation Medal in 1967 and 1969 and the Arnold Air Society's Eugene H. Zuckert Award in 1970 for outstanding Air Force professionalism, and

WHEREAS, his numerous other regional, state, national, and international awards and honors include the Phoenix Urban League Man of the Year Award, 1970; Builders of a Greater Arizona Award, 1969; Distinguished Service Achievement Award from Kappa Alpha Psi Fraternity, 1970; American Legion National Commander's Public Relations Award, 1971; Veterans of Foreign Wars Commander-in-Chief's Gold Medal Award and Citation, 1971; and he has been awarded honorary Doctor of Laws degrees from the University of West Florida, 1971; the University of Akron, 1973; and Virginia State College, 1974; and was named Honorary National Commander, Arnold Air Society, 1971, and

WHEREAS, his 52 military decorations and awards include the Department of Defense Distinguished Service Medal (the highest noncombat award which can be presented to a member of the Armed Forces), the Air Force Distinguished Service Medal, Legion of Merit with one oak leaf cluster, Distinguished Flying Cross with two oak leaf clusters, and many, many more, and

WHEREAS, these awards and honors testify to the fact that wherever General James has served, his outstanding qualities of patriotism and leadership have been recognized, and

WHEREAS, the people of Florida are justly proud of General James and the outstanding service he has rendered them and the entire nation, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the Legislature of the State of Florida hereby expresses its deepest respect and admiration for the outstanding accomplishments of General Daniel ("Chappie") James, Jr., and wishes him continued success in his distinguished career.

—was read the first time. On motions by Senator W. D. Childers, by two-thirds vote HCR 2605 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—40

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Graham | Myers | Stolzenburg |
| Brantley | Hair | Peterson | Thomas, J. |
| Childers, D. | Henderson | Plante | Thomas, P. |
| Childers, W. D. | Holloway | Poston | Tobiassen |
| Deeb | Johnston | Renick | Trask |
| Dunn | Lane, D. | Saunders | Vogt |
| Firestone | Lane, J. | Sayler | Ware |
| Gallen | Lewis | Scarborough | Wilson |
| Glisson | MacKay | Sims | Winn |
| Gordon | McClain | Spicola | Zinkil |

Nays—None

The President introduced General James' family and guests as follows: His sister, Mrs. Lillie M. James Frazier; his brother and sister-in-law, Mr. and Mrs. Charles F. James; his cousins, Mr. and Mrs. David Bates; and Colonel Arthur Ragen, Director of Public Affairs, NORAD; Captain Cato Reeves, Aide to the General; and Dr. William Harvey, Vice President for Student Affairs of Tuskegee Institute; Dr. and Mrs. M. C. Williams and daughter, Olivia.

On motion by Senator W. D. Childers, the following remarks by General James were ordered spread upon the Journal:

Mr. President, members of the Senate of my beloved State of Florida, ladies and gentlemen, fellow Americans and Floridians. It is a great honor and privilege for me to be here today. As I said to a small audience at the opening ceremony, it's very great to go around and receive plaudits from other sections of the country and other sections of the world. I have had the honor of speaking to a joint session of the Texas legislature and several other state bodies and many times, in friendship or in fear, to the Congress of the United States of America, justifying means for us to do our job. As it has been said, "You may travel around the world and receive the plaudits from kings and queens but you never feel you've arrived until the people at home say, 'Well done'". I am humbled by this expression and appreciative of it. I stand here proudly today because as one of our nation's leaders in the military arena, the means for me to do so were nurtured and flowered right here in our home state, on the northwest corner of that state in my beloved home town of Pensacola. One of my largest bases, the largest that I command directly, is the Tyndall Air Force Base in Panama City, the turf of our President and it is with pride and pleasure that I join hands with him across the military-civilian dividing line to provide that kind of unity and leadership that provides a quality product for the surety of security for this land of ours. Now, I am not going to repeat all of my remarks that I made to your colleagues across the hall in the House because they have been recorded and will be duly reported upon. I will not be so presumptuous as to take up the time of this august body to repeat those things. You could read them at your leisure and I would appreciate it if you would.

I will just summarize briefly that I made a strong pitch for the kind of pride and sense of responsibility that was instilled in me from the time that I was born, by my mother, Lillie Anna James, who was a patriot and a saint. She taught me how to rise above the mediocrity, the bigotry in choosing sides based on anything except the power of one's excellence and the sense of responsibility that comes with knowing that you must exercise the power of that excellence for a greater thing than your own personal interest. You must exercise it and have it on display, all of it, for the security and the welfare of this nation. We have that continuing responsibility to make sure that our patriotism flies not just as a gesture but as a conscious badge of the acceptance of that responsibility that comes with citizenship. She taught me that and I listened to her and I have always felt the weight of those responsibilities. I have felt that even at times when we have risen in anger with each other, in my neighborhood, in my state, in my country, when men or women might disagree with my point of view, that we can have an adversary relationship without it becoming an antagonistic relationship. That we can understand our points of difference and points of view. But in the largest concept in consideration we must all understand that what is best for this country that we all hold so dear, that we must always preserve the sanctity of, must always remain paramount in our thoughts and in our desires and in our interests to achieve that eternity of peace that is so im-

portant to the people of this great nation of ours. So let us not stumble along the way. As I said over there and I repeat, the three main pillars in the architecture of peace, any lasting peace, remain strength, partnership and the willingness to negotiate. And without that first one, the other two crumble into the dust because you can't bargain in the halls of international justice from a position of weakness. All your pleas will fall on deaf ears and nobody wants to be partners with a weakling. So our diplomats must be armed with that strength. We must not get to the point where we listen to those who say we must run away from every sound that might lead to another war because I agree that "we don't want to study war no more". We want not just a generation of peace, as has been suggested, but an eternity of peace and you see I must repeat my words concerning the attitude of warriors. Now, I am a warrior. I make no excuses for that. I'm a fighting man. I know my skills well but I don't practice my skills in a vacuum and I don't enjoy having to practice them to their ultimate. Neither do any other warriors. There are a lot of people who think that we just sit up there in that Pentagon and figure out where your next war is coming from. Nothing can be farther from the truth. Nobody dislikes war worse than warriors. We treasure peace as much as anyone but we will not accept peace on any terms. We must make sure that any peace is based on the larger considerations, what is best for our country and its people. And when all that fails, then we stand there to back up our statements that have preserved through this 200th bicentennial year from when they were first uttered many years ago, "Don't tread on me". There are many of us who stood up, raised our hand, including my sons, "to protect and defend this nation against all enemies, foreign and domestic, so help us God", and we meant that then and we mean it now. We guarantee you that. We will continue to live by that oath and if all else fails we stand ready to do our jobs. John Stewart, a noted philosopher, once said, "War is an ugly thing." But it is not the ugliest of things. Decayed and decadent moralistic feelings, patriotic decay that thinks nothing is worth war, nothing is worth fighting for, is much worse. The people who indulge in this sort of idiocy are only kept alive and free by men and women who are stronger than themselves. Another noted student of war, Machiavelli, once said, "In conflict one must never remain neutral but must take a stand; otherwise the victor will count you among the vanquished and the vanquished will not find room for you in his cave," and I'm not taking on any reservations in any damn cave and I suggest that neither should you. We will remain strong and free through the united strength of all the people of this nation. And so I ask you to legislate well. I ask you to represent well. I ask you to stand responsible for making the laws that will protect that security and will assure an equal application of those laws in this land of ours. That is the way we can insure freedom, liberty, justice and pride in being a free-thinking, God-fearing American which is every man and woman's right. Let us insure that it is so. Thank you for having me.

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 3530 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Tucker and others—

HCR 3530—A concurrent resolution in commendation of Allen Morris, Clerk of the House of Representatives, for his long and continuing interest in and distinguished contribution to Florida libraries for the betterment and enrichment of the citizens of this state and the world.

WHEREAS, Allen Morris has contributed to library collections as an editor, author, and photographic archivist, and

WHEREAS, Mr. Morris has contributed to the governance of libraries through service on state and local advisory boards, and

WHEREAS, through this dedicated service and his lifelong devotion to the written word, Mr. Morris has contributed to the improvement and furtherance of all libraries, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the House of Representatives and the Senate of the State of Florida make this public record of the contributions and achievements to Florida libraries by our esteemed Allen Morris on this appropriate day, designated by the Florida Library Association, as Library Legislative Day 1976.

IN COMMENDATION ALLEN MORRIS

Foremost among Allen Morris's contributions as an author with respect to library collections is his *Florida Handbook* which he began in 1947 and has produced biennially since that time. It is an invaluable reference tool giving up-to-date information "about Florida's weather, government, sights, history, personalities, counties, cities, fishing, education, wild life, and countless other subjects." (*Florida Handbook*, 1971-72, p. IX) A most useful volume, it is in every library in the state and is the primary source for all who seek to know and understand our state and its legislative process. His book, *Our Florida Government*, became a state adopted textbook for the Florida schools and is also found on Florida's library shelves along with numerous other works he has compiled and coauthored, dealing with Florida and its government. As an archivist he is responsible for the establishment of a State Photographic Archives at Florida State University that now contains more than 60,000 individual pictures documenting the state's people and places. He continues to use his broad knowledge of state history to amass and organize the archives which serves the world of scholarship.

In his service on library advisory boards he has given freely of his wisdom, leadership, administrative expertise, and professional experience thereby contributing immensely to the governance of libraries. He served on the Leon County Public Library Board from 1952-1966, part of this time as chairman. He served on the State Library and Historical Commission from 1962-1969 and presently serves, as he has for the past 7 years, on the successor to that board, the State Library Advisory Council.

Throughout his life, as an author, archivist, journalist, chronicler, and participant in Florida government, he has expressed through the written word a deep sense of love and pride of Florida. Through his dedicated service to the betterment and improvement of libraries in Florida, he has helped to ensure that this sense of state pride and awareness can be known and shared by all Floridians, both now, and for generations to come.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journals of the respective houses of the Florida Legislature in recognition and commendation of Allen Morris's untiring efforts and dedication to the betterment of Florida libraries.

BE IT FURTHER RESOLVED that a copy of this resolution, duly attested, be forwarded to Allen Morris together with the felicitations of these bodies and the Florida Library Association as a lasting symbol of the respect and admiration of the people of the State of Florida.

—was read the first time. On motions by Senator Brantley, by two-thirds vote HCR 3530 was placed on the calendar and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on passage was:

Yeas—40

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Graham | Myers | Stolzenburg |
| Brantley | Hair | Peterson | Thomas, J. |
| Childers, D. | Henderson | Plante | Thomas, P. |
| Childers, W. D. | Holloway | Poston | Tobiassen |
| Deeb | Johnston | Renick | Trask |
| Dunn | Lane, D. | Saunders | Vogt |
| Firestone | Lane, J. | Sayler | Ware |
| Gallen | Lewis | Scarborough | Wilson |
| Glisson | MacKay | Sims | Winn |
| Gordon | McClain | Spicola | Zinkil |

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Holloway, by two-thirds vote SM 562 was withdrawn from the Committee on Rules and Calendar and placed on the calendar.

On motion by Senator Gallen, by two-thirds vote SB 239 was recommitted to the Committee on Judiciary-Civil.

On motion by Senator Poston, by two-thirds vote SB 632 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Winn, by two-thirds vote SB 621 was withdrawn from the Committees on Transportation and Commerce, and indefinitely postponed.

On motions by Senator Winn, by two-thirds vote SB 379 was withdrawn from the Committees on Judiciary-Civil and Judiciary-Criminal and indefinitely postponed.

On motions by Senator Winn, by two-thirds vote SB 473 was withdrawn from the Committees on Health and Rehabilitative Services and Commerce and indefinitely postponed.

On motions by Senator Winn, by two-thirds vote SB 629 was withdrawn from the Committees on Commerce and Ways and Means and indefinitely postponed.

On motion by Senator Winn, by two-thirds vote SB 390 was withdrawn from the Committee on Commerce and indefinitely postponed.

On motions by Senator Winn, by two-thirds vote SB 381 was withdrawn from the Committees on Commerce and Judiciary-Criminal and indefinitely postponed.

On motion by Senator Lewis, by two-thirds vote SB 328 was withdrawn from the Committee on Education.

On motion by Senator MacKay, by two-thirds vote SB 665 was withdrawn from the Committees on Governmental Operations and Judiciary-Civil and indefinitely postponed.

On motion by Senator W. D. Childers, Rule 2.6 was waived and the Committee on Commerce was granted permission to consider SB 598 at the meeting April 15.

On motion by Senator Gordon, by two-thirds vote SB 445 was withdrawn from the Committee on Transportation and indefinitely postponed.

On motion by Senator MacKay, by two-thirds vote SB 664 was withdrawn from the Committees on Education and Commerce and indefinitely postponed.

On motion by Senator Holloway—

SM 562—A memorial to the Congress of the United States urging the Congress to oppose the substantial reduction and possible closing of the Boca Chica Naval Air Base in Key West, Florida.

—was taken up out of order by unanimous consent.

On motion by Senator Holloway, SM 562 was read the second time in full, adopted and certified to the House. The vote was:

Yeas—35

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Graham | Myers | Thomas, P. |
| Brantley | Hair | Peterson | Tobiassen |
| Childers, D. | Henderson | Plante | Trask |
| Childers, W. D. | Holloway | Poston | Vogt |
| Deeb | Johnston | Renick | Ware |
| Dunn | Lane, D. | Scarborough | Wilson |
| Firestone | Lane, J. | Spicola | Winn |
| Gallen | Lewis | Stolzenburg | Zinkil |
| Glisson | McClain | Thomas, J. | |

Nays—1

Gordon

Vote after roll call:

Yea to nay—Plante

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Dempsey J. Barron, President

I am directed to inform the Senate that the House of Representatives has passed as amended—HB 1445

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Gallagher and Campbell—

HB 1445—A bill to be entitled An act relating to the Department of Professional and Occupational Regulation; adding subsection (13) to s. 20.30, Florida Statutes; providing legislative intent with regard to the role of the professional and occupational examining and licensing boards of the department; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Dempsey J. Barron, President April 9, 1976

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1052 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Hawkins—

HB 1052—A bill to be entitled An act relating to holidays; recognizing Patriots' Day on the nineteenth day of April as one of great historical significance and encouraging its commemoration; providing an effective date.

—was read the first time by title and referred to the Committees on Commerce and Governmental Operations.

VETOED BILLS (1975 REGULAR SESSION)

The Honorable Dempsey J. Barron, President April 7, 1976

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on April 7, 1976, the Governor's objections to the contrary notwithstanding—

By Representative Dick Clark and others—

HB 64—(1975 Regular Session)—An act relating to alcoholic beverage licenses; creating paragraph (c) of subsection (2) of §561.20, Florida Statutes, providing for the issuance of a special license to bona fide bowling alleys; adding paragraph (d) to s. 561.20(2), Florida Statutes, authorizing the issuance of special alcoholic beverage licenses in the name of the county to Boards of County Commissioners; amending subsection (7) of §561.20, Florida Statutes, providing for the issuance of special club licenses to bona fide tennis clubs; providing an effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Honorable Bruce Smathers
Secretary of State
The Capitol

June 18, 1975

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections House Bill 64, enacted by the Fourth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1975, and entitled:

"An act relating to alcoholic beverage licenses; creating paragraph (c) of subsection (2) of s. 561.20, Florida Statutes, providing for the issuance of a special license to bona fide bowling alleys; adding paragraph (d) to s. 561.20(2). Florida

Statutes, authorizing the issuance of special alcoholic beverages in the name of the county to Boards and County Commissioners; amending subsection (7) of s. 561.20, Florida Statutes, providing the issuance of special club licenses to bona fide tennis clubs; providing an effective date."

House Bill 64 attempts to create a special class of licenses for bowling establishments of twelve lanes or more and bona fide tennis clubs with ten or more regulation size courts.

This bill is very similar to legislation I vetoed last session. My opposition to creating such a new class of license law has not changed. The fact that a legitimate establishment is engaged in the recreational business of bowling or tennis should not automatically qualify them to have a license to serve alcoholic beverages. I have long opposed the establishment of special licenses either by local act or general legislation.

This provision is similar to Senate Bill 1107, which I have vetoed for reasons set forth in that veto message. The creation of this broad new special license is unjustified and the enforcement problems that would be posed are great.

For the above reasons, I am withholding my approval of House Bill 64, Regular Session of the Legislature, commencing on April 8, 1975, and do hereby veto the same.

Sincerely,
Reubin Askew
Governor

Senator Brantley moved that HB 64 pass, the veto of the Governor to the contrary notwithstanding. The bill passed by the required constitutional two-thirds vote of the members of the Senate present and was certified to the House. The vote on passage was:

Yeas—31

| | | | |
|---------------|-----------|-------------|------------|
| Mr. President | Gordon | Myers | Thomas, J. |
| Brantley | Graham | Plante | Thomas, P. |
| Childers, D. | Hair | Poston | Trask |
| Deeb | Henderson | Saylor | Ware |
| Dunn | Holloway | Scarborough | Wilson |
| Firestone | Johnston | Sims | Winn |
| Gallen | Lane, D. | Spicola | Zinkil |
| Glisson | Lewis | Stolzenburg | |

Nays—8

| | | | |
|-----------------|---------|----------|-----------|
| Childers, W. D. | MacKay | Peterson | Tobiassen |
| Lane, J. | McClain | Saunders | Vogt |

Votes after roll call:

Yea—Senator Renick

Yea to Nay—Senator Stolzenburg

On motion by Senator Brantley, by two-thirds vote HB 64 was immediately certified to the House.

The Honorable Dempsey J. Barron, President April 7, 1976

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on April 7, 1976, the Governor's objections to the contrary notwithstanding—

By the Committee on Finance & Taxation and Representative Tolton and others—

CS for HB 1759—(1975 Regular Session) An act relating to ad valorem taxation; amending s.196.199(4), Florida Statutes; providing in the case of governmental property leased or subleased to a nongovernmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor; providing that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor, by certain governmental lessors or sublessors; providing for payment of certain 1974 and future taxes; providing that certain entities are deemed to be governmental authorities; providing an effective date.

The Governor's objections attached thereto.
—and requests the concurrence of the Senate.

Allen Morris, Clerk

Honorable Bruce Smathers
Secretary of State
The Capitol

June 20, 1975

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Committee Substitute for House Bill 1759 enacted by the Fourth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1975, and entitled:

"An act relating to ad valorem taxation; amending s. 196-199(4), Florida Statutes; providing in the case of governmental property leased or subleased to a nongovernmental lessee that the annual ad valorem tax to be paid by the nongovernmental lessee be diminished by the amount of the rent paid to any governmental lessor; providing that the 1972 and 1973 taxes shall be paid, or if already collected reimbursed to the payor, by certain governmental lessors or sublessors; providing for payment of certain 1974 and future taxes; providing that certain entities are deemed to be governmental authorities; providing an effective date."

Committee Substitute for House Bill 1759 attempts to grant equity to certain persons in Escambia, Santa Rosa and Okaloosa counties who have previously entered into lease agreements with the government and who committed to pay annual rental payments in lieu of ad valorem taxes since their property was not, at that time, subject to ad valorem taxes. Subsequently, the Legislature repealed the ad valorem tax exemption, and now those persons must pay not only their ad valorem taxes but also lease rental payments which were meant to be in lieu of ad valorem taxes.

I am impressed with and recognize the problem to which this bill attempts to address itself. In addition to attempting to correct the inequitable situation in the three westernmost counties of our state, it attempts to further the state position, adopted in 1971, that all governmental leases to nongovernmental lessees shall be taxable by restricting the exemption for such leases entered into after June 1, 1975 to property that is used exclusively for literary, scientific, religious or charitable purposes otherwise exempt. While I approve of this prospective application and have endorsed its enactment since 1971, the bill presents a difficult dilemma. The Executive Director of the Department of Revenue has expressed grave concern about the possible effect statewide of the provisions which allegedly are to apply solely to certain existing leases entered into in Escambia, Santa Rosa and Okaloosa counties. He has recommended, along with the Commissioner of Education, that I veto this bill.

These provisions, if construed to be a general law with a local application, are violative of Article III, Sections 11(a)(2) and (a)(8) of the 1968 State Constitution, which provides that such laws of local application are prohibited in the areas of tax assessment and collection for state and county purposes and of refunding money legally paid. If these provisions are not construed to be of local application but rather of broader effect, the distinct possibility remains that the restriction of the special provisions to the three counties contained in paragraph (d) may be stricken as an improper limitation.

The title of the bill does not mention the county limitations and would seem in conflict with Article III, Section 6 of the 1968 State Constitution. However, as I have previously indicated, this may not render the entire act void but may act to only invalidate the county limitations contained in proposed section 196.199(4)(d); see *County of Hillsborough v. Price*, 149 So.2d 912 (2d D.C.A., Fla. 1963). If the county limitations only are struck, the application of the act statewide could have a substantial, adverse financial impact on numerous counties, school districts, municipalities and special districts.

In addition to the above concerns, I further believe that the provisions of the act relating to the existing leases either grant an exemption, partial or entire, from local ad valorem taxes, which is not authorized in Article VII, Section 3 of the 1968 State Constitution, or effect an appropriation of school ad

valorem taxes for purposes other than school purposes and, thus, would appear to be contrary to the provisions of Article VII, Section 9(a). Certainly, any grant of public money, both prospectively and retroactively, as contemplated in this bill, raises questions as to its validity under Article VII, Section 10 of the 1968 State Constitution which prohibits any governmental unit from using its taxing powers for any private person.

House Bill 2307, which I today have allowed to become law without my signature and which affects only Okaloosa County, does not have the same possible statewide effect. It does have similar constitutional issues as to the effect of both prospective and retroactive tax payments. I am confident these constitutional questions will be litigated and reconciled, and will provide guidance to our addressing this problem for all three counties next year. In addition to any court guidance, this interim period will also permit us to determine, beyond question, the number of leases throughout the state similar to those which this bill attempts to address itself. I am committed to assist our representatives in this matter. I further recognize that there will be some troublesome problems for Escambia and Santa Rosa counties in the interim; however, the statewide implications of this law, which does not contain a clause to assure that the courts will strike the entire act rather than the geographic limitations only, is so substantial that I must withhold my approval of Committee Substitute for House Bill 1759, Regular Session of the Legislature commencing on April 8, 1975, and do hereby veto same.

Sincerely,
Reubin Askew
Governor

Senator Brantley moved that CS for HB 1759 pass, the veto of the Governor to the contrary notwithstanding. The bill passed by the required constitutional two-thirds vote of the members of the Senate present and was certified to the House. The vote on passage was:

Yeas—28

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|-----------------|-----------|-------------|------------|
| Mr. President | Glisson | Myers | Spicola |
| Brantley | Gordon | Peterson | Thomas, J. |
| Childers, D. | Graham | Plante | Thomas, P. |
| Childers, W. D. | Henderson | Renick | Tobiassen |
| Deeb | Holloway | Saylor | Trask |
| Dunn | Lane, J. | Scarborough | Ware |
| Gallen | Lewis | Sims | Zinkil |

Nays—12

| | | | |
|-----------|----------|-------------|--------|
| Firestone | Lane, D. | Poston | Vogt |
| Hair | MacKay | Saunders | Wilson |
| Johnston | McClain | Stolzenburg | Winn |

Vote after roll call:

Yea to nay—Senator Plante

On motion by Senator Brantley, by two-thirds vote CS for HB 1759 was immediately certified to the House.

The Honorable Dempsey J. Barron, President April 7, 1976

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional two-thirds vote of all Members present on April 7, 1976, the Governor's objections to the contrary notwithstanding—

By Representative James—

HB 172 (1975 Regular Session)—An act for the relief of Cleary Brothers Construction Company; compensating it for expenses incurred as a result of action brought by the State Road Department for which the courts have held the Department of Transportation liable; providing an appropriation; providing an effective date.

The Governor's objections attached thereto.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Honorable Bruce Smathers
Secretary of State
The Capitol

July 3, 1975

Dear Secretary Smathers:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections House Bill 172 enacted by the Fourth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1975, and entitled:

"An act for the relief of Cleary Brothers Construction Company; compensating it for expenses incurred as a result of action brought by the State Road Department for which the courts have held the Department of Transportation liable; providing an appropriation; providing an effective date."

House Bill 172 is a claims bill appropriating 957,795 dollars to compensate a private contractor, Cleary Brothers Construction Company, for damages claimed by them as a result of having to engage in litigation with the Florida Department of Transportation. The Department completely satisfied the judgment of the court against them resulting from the litigation, in December, 1971. This claim seeks damages over and above what the court allowed.

Specifically, the Company incurred large expenses in defending the suit, a loss from forced sale of an extensive capital asset and debts to a surety for its expenses in behalf of the contractor. The total of these losses amounted to 957,795 dollars, the amount appearing in the bill as passed by both houses of the Legislature.

All of these expenses of the contractor resulted from the legal dispute. While it is the law of Florida that the doctrine of sovereign immunity would foreclose a tort action for relief, it is clear also that under present Florida decisions construing tort law, no action could have been successfully maintained by the company in any event under the facts of this case. In view of this, the State should not be called upon to pay damages where a private company would not be called upon to pay under the same circumstances.

The claimant presented his case based upon two theories of tort law: malicious prosecution and interference with an advantageous business relationship. Both of these theories require a special showing of malice or an intent to harm the plaintiff before relief can be obtained and, in this case, appointed special masters in each house of the Legislature concluded that the Department acted without malice or intent to harm. I personally have reviewed the basis upon which the litigation was instituted and pursued and have come to the same conclusion as the special masters. It would appear, therefore, that the adverse financial consequences incurred by the contractor in this case, conceded by all, were of no difference in character from those experienced by any defendant facing the delays, uncertainties and attendant loss of business resulting from litigation.

In its ruling for the contractor on the question of who was liable for the mishap occurring during construction, the court did not award attorney fees to the contractor and these had not been sought. However, the court did reiterate in its opinion the law of Florida that the cost of preparation for trial in these cases, including attorney fees and cost of investigation are not recoverable.

There is some question also whether award of this claim would comport with the Florida Constitution. The Florida Supreme Court has held that actions of the Legislature must serve to promote some public purpose. *State v. Town of North Miami*, 59 So. 2d 779 (Fla. 1952); Constitution of Florida, Article VII, Section 10. Where the expenses sought by a claims bill are not legally recoverable under Florida tort law, a question arises as to whether payment of such expenses falls within the aegis of the public purpose doctrine. At least one state supreme court, when faced with this type of fact situation, has concluded that the Constitution did not allow compensation of a type which was not awardable under the law. See, *Opinion of the Justices*, 170 A.2d 647 (1961). The court concluded that although an individual is free to make a gift, the Legislature cannot convey a gift to a private corporation.

It should be pointed out also that it would be difficult to draw a line in future cases between the losses incurred by the private company here and those incurred by many other state contractors where bona fide legal issues arise in the construction of complex and extensive contracts for state work.

I am aware that the company involved here was the victim of circumstances which resulted in significant financial deprivation and, just as the Legislature regretted these losses, I too regret them. However, I can find no evidence of malice or an intent to harm on the part of the State in this case, and it is therefore my conclusion that an award of this large sum would not represent a good precedent or equitable policy to the people of Florida.

For the above reasons, I am withholding my approval of House Bill 172, Regular Session of the Legislature, commencing on April 8, 1975, and do hereby veto the same.

Sincerely,
Reubin O'D. Askew
Governor

Senator Brantley moved that HB 172 pass, the veto of the Governor to the contrary notwithstanding. The bill passed by the required constitutional two-thirds vote of the members of the Senate present and was certified to the House. The vote on passage was:

Yeas—30

| | | | |
|-----------------|-----------|-------------|-----------|
| Mr. President | Henderson | Renick | Tobiassen |
| Brantley | Holloway | Saunders | Trask |
| Childers, D. | Lane, D. | Saylor | Ware |
| Childers, W. D. | Lewis | Scarborough | Wilson |
| Deeb | McClain | Sims | Winn |
| Dunn | Peterson | Spicola | Zinkil |
| Gallen | Plante | Stolzenburg | |
| Graham | Poston | Thomas, J. | |

Nays—8

| | | | |
|-----------|--------|----------|------------|
| Firestone | Gordon | Lane, J. | Thomas, P. |
| Glisson | Hair | Myers | Vogt |

Vote after roll call:

Nay—MacKay

Abstention from Voting

I still have a conflict of interest in reference to HB 172 and I shall not vote on this bill.

Harry Johnston, II, 26th District

On motion by Senator Brantley, by two-thirds vote HB 172 was immediately certified to the House.

SPECIAL ORDER

SB 7—A bill to be entitled An act relating to criminal law; adding s. 775.021(4), Florida Statutes; providing that a person who violates two or more criminal statutes during one criminal episode shall be sentenced separately for each offense; providing an effective date.

—was read the second time by title.

Senator Glisson moved the following amendment:

Amendment 1—On page 1, between lines 22 and 23 insert: Section 2. Any judge who intentionally violates the sentencing requirements of chapter 775, Florida Statutes, as determined by the Judicial Qualifications Commission, shall be subject to the provisions of section 12, Article V of the State Constitution.

[Renumber subsequent section]

The President Pro Tempore presiding.

Senator McClain raised a point of order that the Judicial Qualifications Commission and the impeachment process were not within the scope of the title of the bill and therefore the amendment was out of order.

The Presiding Officer stated that both the bill and amendment proposed to change Chapter 775, Florida Statutes, and ruled the point not well taken.

Amendment 1 failed.

On motion by Senator Deeb, by two-thirds vote SB 7 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|---------------|----------|-------------|-------------|
| Mr. President | Graham | Peterson | Stolzenburg |
| Brantley | Hair | Plante | Thomas, J. |
| Childers, D. | Holloway | Poston | Thomas, P. |
| Deeb | Johnston | Renick | Tobiassen |
| Dunn | Lane, D. | Sayler | Vogt |
| Firestone | Lewis | Scarborough | Ware |
| Gallen | McClain | Sims | Winn |
| Glisson | Myers | Spicola | Zinkil |

Nays—4

| | | | |
|--------|----------|--------|--------|
| Gordon | Lane, J. | MacKay | Wilson |
|--------|----------|--------|--------|

Vote after roll call:

Yea—Childers, W. D.

SB 39—A bill to be entitled An act relating to foreign trade zones; providing definitions; providing for the establishment, operation, and maintenance of such zones; providing for rules and regulations; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Firestone and adopted:

Amendment 1—On page 1, line 14, strike "Corporations" and insert: Corporation

The President presiding.

On motion by Senator Firestone, further consideration of SB 39 was deferred.

SB 39 was placed on the Calendar on third reading after engrossing.

SB 184—A bill to be entitled An act relating to the taking of marine corals and sea fans; amending s. 370.114, Florida Statutes; providing that it is unlawful to take, attempt to take, or otherwise destroy, or to sell or attempt to sell, or to possess certain marine corals and sea fans; providing exceptions; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Renick:

Amendment 1—On page 2, strike all of lines 10-13 and insert: unless it can be proven ~~shown~~ by certified invoice that the sea fan or coral was ~~specimens were~~ imported from a foreign country or unless it can be proven ~~shown~~ that the sea fan or coral was lawfully taken before July 1, 1976.

Senator Renick moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 2—On page 2, strike all of lines 10-13 and insert: unless it can be proven ~~shown~~ by certified invoice that the sea fan or coral was ~~specimens were~~ imported from a foreign country or unless it can be proven ~~shown~~ that the sea fan or coral was lawfully taken before July 1, 1976.

On motion by Senator Renick, by two-thirds vote SB 184 as amended was read the third time by title, passed and certified to the House after engrossing. The vote on passage was:

Yeas—36

| | | | |
|---------------|-----------------|-----------|---------|
| Mr. President | Childers, D. | Deeb | Gallen |
| Brantley | Childers, W. D. | Firestone | Glisson |

| | | | |
|-----------|----------|-------------|------------|
| Gordon | Lane, J. | Poston | Thomas, J. |
| Graham | Lewis | Renick | Tobiassen |
| Hair | MacKay | Sayler | Vogt |
| Henderson | McClain | Scarborough | Ware |
| Holloway | Myers | Sims | Wilson |
| Johnston | Peterson | Spicola | Winn |
| Lane, D. | Plante | Stolzenburg | Zinkil |

Nays—None

Vote after roll call:

Yeas—Trask and Dunn

SB 111—A bill to be entitled An act relating to Game and Fresh Water Fish Commission; adding s. 372.573(3), Florida Statutes; authorizing the county tax collector to issue permits to use lands of the commission for outdoor recreational purposes; authorizing the county tax collector to collect a fee for taking the application and issuing the permit; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Spicola and adopted:

Amendment 1—On page 1, line 19, after the word "by" insert: *the Game and Fresh Water Fish Commission or*

Amendment 2—On page 1, line 22, after "\$3" insert: *; provided, however, that when a permit is issued to a person 65 years of age or older who is exempt from the payment of permit fees, such fee shall not be retained*

Amendment 3—On page 1, line 6 in title, after the word "the" insert: *Game and Fresh Water Fish Commission or the*

Amendment 4—On page 1 between lines 10 and 11 of the title insert: *providing an exception;*

On motion by Senator Spicola, by two-thirds vote SB 111 as amended was read the third time by title, passed and certified to the House after engrossing. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Graham | Myers | Thomas, P. |
| Brantley | Hair | Plante | Tobiassen |
| Childers, D. | Henderson | Poston | Vogt |
| Childers, W. D. | Holloway | Renick | Ware |
| Deeb | Johnston | Sayler | Wilson |
| Dunn | Lane, D. | Scarborough | Winn |
| Firestone | Lane, J. | Sims | Zinkil |
| Gallen | Lewis | Spicola | |
| Glisson | MacKay | Stolzenburg | |
| Gordon | McClain | Thomas, J. | |

Nays—None

Vote after roll call:

Yea—Trask

SB 136—A bill to be entitled An act relating to juveniles; amending s. 39.12(3), (4) and s. 39.14(5), Florida Statutes; entitling law enforcement agencies, the Department of Health and Rehabilitative Services, and the Department of Offender Rehabilitation to inspect and copy court records relating to treatment of juveniles under chapter 39, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Deeb and adopted:

Amendment 1—On page 2, line 6, insert after "court,": *law enforcement agency,*

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Deeb:

Amendment 2—After the comma on page 1, line 26, page 2, line 7 and page 2, line 23, insert: *Florida Parole and Probation Commission,*

Senator Dunn moved the following amendment to Amendment 2 which was adopted:

Amendment 2a—On page 1, line 26, after the word "Commission," insert: state attorneys

Amendment 2 as amended was adopted.

Senator Deeb moved that the rules be waived and time of adjournment be extended until final action on SB 136. The motion was adopted by the following vote:

Yeas—22

| | | | |
|-----------------|----------|-------------|-----------|
| Mr. President | Gallen | Poston | Tobiassen |
| Brantley | Hair | Renick | Trask |
| Childers, D. | Holloway | Sayler | Ware |
| Childers, W. D. | MacKay | Sims | Zinkil |
| Deeb | McClain | Spicola | |
| Dunn | Peterson | Stolzenburg | |

Nays—8

| | | | |
|--------|----------|-------------|--------|
| Gordon | Johnston | Myers | Vogt |
| Graham | Lane, J. | Scarborough | Wilson |

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Deeb and adopted:

Amendment 3—On page 2, line 14, insert after "except": *as provided in Ch. 959, Florida Statutes or*

Senator Dunn moved the following title amendment:

Amendment 4—On page 1, line 8, after the comma insert: Florida Parole and Probation Commission,

Senator Dunn moved the following amendment to Amendment 4 which was adopted:

Amendment 4a—On page 1, line 3 of the title amendment after "commission," insert: state attorneys

Amendment 4 as amended was adopted.

On motion by Senator Deeb, by two-thirds vote SB 136 as amended was read the third time by title, passed and certified to the House after engrossing. The vote on passage was:

Yeas—38

| | | | |
|-----------------|-----------|-------------|-------------|
| Mr. President | Graham | Myers | Stolzenburg |
| Brantley | Hair | Peterson | Thomas, J. |
| Childers, D. | Henderson | Plante | Tobiassen |
| Childers, W. D. | Holloway | Poston | Trask |
| Deeb | Johnston | Renick | Vogt |
| Dunn | Lane, D. | Saunders | Ware |
| Firestone | Lane, J. | Sayler | Wilson |
| Gallen | Lewis | Scarborough | Zinkil |
| Glisson | MacKay | Sims | |
| Gordon | McClain | Spicola | |

Nays—None

Senator Graham announced that Subcommittee B of the Committee on Ways and Means would meet from 8:00 a.m. to 5:00 p.m. on Friday, April 16 in lieu of 9:00 a.m. to 2:00 p.m. as scheduled.

CO-INTRODUCERS

Senators Zinkil and D. Childers were recorded as co-introducers of SB 598, Senators Johnston, Graham and D. Lane as co-introducers of SB 39, Senator D. Lane as co-introducer of SB 267 and SJR 266, Senator Brantley as a co-introducer of SB 297, Senator Hair as a co-introducer of SB 505, Senators Glisson and Firestone as co-introducers of SB 260, Senator Graham as a co-introducer of SB 277, Senator Dunn as co-introducer of Senate Bills 576, 616 and 578, Senator Stolzenburg as a co-introducer of SB 323, Senator Graham as a co-introducer of SB 533, Senator Wilson as a co-introducer of SB 259.

The Journal of April 12 was corrected and approved as follows:

Page 79, counting from bottom of column 2, line 19, strike period and insert: and Ways and Means.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:10 p.m. to convene at 8:30 a.m., April 15, 1976 for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.